IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA No. 957 of 2005

DATE OF DECISION: 29 .5.2007

Ram Dass and others **..Appellants**

VERSUS

Tek Chand **...Respondents**

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Vikram Singh, Advocate for the appellants

Permod Kohli,J. (Oral)

This appeal is directed against the judgment and decree dated 22.1.2005 passed by Additional District Judge, Panipat dismissing the appeal of the appellants/plaintiffs against the judgment and decree dated 27.7.2004 passed by Additional Civil Judge (Senior Division), Panipat whereby the suit of the plaintiffs seeking a decree of declaration has been dismissed. I have perused the impugned judgments of both the courts below. Both the courts below have returned concurrent findings of fact. As regards the

validity of the decree impugned in the suit for declaration filed by the plaintiffs/appellants, the only question of law sought to be projected is that the decree which was a consent decree was required to be registered in terms of Section 17 of the Indian Registration Act. Both the courts have returned a finding that by virtue of the decree impugned in the suit, the family partition between the parties was sought to be implemented. In such a situation, it cannot be said that the decree was compulsorily registrable as the family settlement neither creates a right nor extinguishes a right in immovable property. It only identifies and segregates the share of the parties. The findings recorded by the courts below are correct and legal. No substantial question of law is involved in this appeal.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

29.5.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES/NO